

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GUSTAVO ADOLFO DUENAS,

Petitioner,

v.

TRENT ALLEN,

Respondent.

No. 1:24-cv-00335-KES-SAB (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PETITION FOR WRIT OF HABEAS  
CORPUS, DIRECTING CLERK OF COURT  
TO CLOSE CASE, AND DECLINING TO  
ISSUE CERTIFICATE OF APPEALABILITY

Doc. 23

Petitioner Gustavo Adolfo Duenas is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 7, 2025, the assigned magistrate judge issued findings and recommendations recommending that the petition be denied. Doc. 23. The findings and recommendations were served on the parties and contained notice that any objections were to be filed within thirty (30) days of the date of service of the findings and recommendations. To date, no objections have been filed, and the time for doing so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the case. Having carefully reviewed the entire file, the Court holds the findings and recommendations to be supported by the record and proper analysis.

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1 Having found that petitioner is not entitled to habeas relief, the Court now turns to  
2 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus  
3 has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is  
4 allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); 28  
5 U.S.C. § 2253. If the Court denies a habeas petition on the merits, the Court may issue a  
6 certificate of appealability only "if jurists of reason could disagree with the district court's  
7 resolution of [the petitioner's] constitutional claims or that jurists could conclude the issues  
8 presented are adequate to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 327;  
9 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the  
10 merits of his case, he must demonstrate "something more than the absence of frivolity or the  
11 existence of mere good faith on his . . . part." *Miller-El*, 537 U.S. at 338.

12 In the present case, the Court finds that reasonable jurists would not find the Court's  
13 determination that the petition should be denied debatable or wrong, or that petitioner should be  
14 allowed to proceed further. Therefore, the Court declines to issue a certificate of appealability.

15 Accordingly:

- 16 1. The findings and recommendations issued on March 7, 2025, Doc. 23, are ADOPTED  
17 in full;
- 18 2. The petition for writ of habeas corpus is DENIED;
- 19 3. The Clerk of Court is directed to close the case; and
- 20 4. The Court declines to issue a certificate of appealability.

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23 IT IS SO ORDERED.

24 Dated: June 23, 2025

  
UNITED STATES DISTRICT JUDGE